

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

AT CHARLESTON

ERIK CURRAN,

Plaintiff,

v.

**CIVIL ACTION NO.: 2:07-0354
(Judge John T. Copenhaver)**

AMAZON.COM, INC., a Delaware corporation; GETTY IMAGES, INC., a Delaware corporation; ST. MARTIN'S PRESS, LLC, SIDESHOW INC., d/b/a SIDESHOW COLLECTIBLES, a Delaware corporation; HOT TOYS LTD., a business entity incorporated in Hong Kong; AND CAFÉ PRESS.COM, INC., a Delaware corporation,

Defendants.

MOTION TO DISMISS

COMES NOW, Amazon.com, Inc. ("Amazon.com") and hereby moves to dismiss the claims of Erik Curran ("Curran") pursuant to Federal Rule of Civil Procedure Rule 12(b)(6) in that the claims set forth in his Complaint fail to state a cause of action upon which relief can be granted and that no set of facts would support liability against Amazon.com as pled by Curran's Complaint. The reasons for this Motion to Dismiss are more fully set out in the accompanying Memorandum of Law attached hereto.

AMAZON.COM, INC.

By Counsel

s/David Allen Barnette
DAVID ALLEN BARNETTE (WVSB 242)
W. SCOTT EVANS
JACKSON KELLY PLLLC
P. O. Box 553
Charleston, WV 25322
(304) 340-1327
{C1208102.1}

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CERTIFICATE OF SERVICE

I, DAVID ALLEN BARNETTE, counsel for Amazon.com, Inc. do hereby certify that I have caused the foregoing MOTION TO DISMISS and MEMORANDUM OF LAW to be served upon the following party by causing a true and exact copy thereof to be deposited in the United States Mail, postage prepaid, this day of , 2007.

s/David Allen Barnette
DAVID ALLEN BARNETTE